

**United States District Court, Northern District of Illinois**

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 399	DATE	9/30/2002
CASE TITLE	Stephen Assam vs. Elizabeth Assam-Metzler etc. et al.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

**MOTION:**

## Memorandum Opinion and Order

**DOCKET ENTRY:**

(1)  Filed motion of [ use listing in "Motion" box above.]

(2)  Brief in support of motion due \_\_\_\_\_.

(3)  Answer brief to motion due \_\_\_\_\_, Reply to answer brief due \_\_\_\_\_.

(4)  Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.

(5)  Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.

(6)  Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.

(7)  Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.

(8)  [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.

(9)  This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
 FRCP4(m)  Local Rule 41.1  FRCP41(a)(1)  FRCP41(a)(2).

(10)  [Other docket entry] Enter Memorandum Opinion and Order. Plaintiff seeks to vacate the prior judgment on the pleadings because, he says, defendant Assam-Metzler has failed to comply with discovery. He also has moved to compel. Both motions are denied. Status hearing set for October 3, 2002 at 9:15am. to stand.

(11)  [For further detail see order attached to the original minute order.]

	No notices required, advised in open court.		Document Number 300-53000035-00000000
	No notices required.	number of notices	
	Notices mailed by judge's staff.	OCT 01 2002	
	Notified counsel by telephone.	date docketed	
<input checked="" type="checkbox"/>	Docketing to mail notices.	docketing deputy initials	
	Mail AO 450 form.		
	Copy to judge/magistrate judge.	date mailed notice	
WAH		mailing deputy initials	
courtroom deputy's initials		Date/time received in central Clerk's Office	

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

STEPHEN ASSAM,

)

Plaintiff,

)

vs.

)

No. 01 C 399

ELIZABETH PATRICIA ASSAM-METZLER )  
and HARTLAND MORTGAGE CENTERS, )  
INC., )

Defendants.

)

DOCKETED

OCT 01 2002

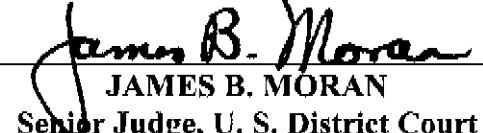
MEMORANDUM OPINION AND ORDER

Plaintiff seeks to vacate the prior judgment on the pleadings because, he says, defendant Assam-Metzler has failed to comply with discovery. He also has moved to compel. Both motions are denied.

The discovery dispute is not a dispute but, apparently, a miscommunication. According to defendant Assam-Metzler's counsel, and we have no reason to doubt him, he sent all requested documents to plaintiff's New York address – plaintiff did not pick them up and they were returned to counsel. If plaintiff still desires to review them he can retrieve them from counsel's office.

The motion to vacate judgment is less, though, a discovery dispute than another attempt to overturn the court's prior ruling. In a 31-page brief (which violates the local rule restricting briefs to 15 pages), plaintiff seeks to disavow his prior contention, advanced by his then attorney, that he was the trustee of a resulting trust (which the beneficiary can terminate by manifesting her intent to do so, and she most assuredly has done so). For the reasons

previously stated, we decline to permit plaintiff to try again, with a different theory (which seems to be a return to his original claim that he has a personal ownership interest).

  
\_\_\_\_\_  
JAMES B. MORAN  
Senior Judge, U. S. District Court

Sept. 30, 2002.